

equity and right of the matter, which decision shall be conclusive in the premises; and if the Chancellor shall find any sum to be due, the same shall be satisfied out of the funds arising from the

confiscation and sale of the property of the said William and
96 *Robert Mollison, which may remain in the treasury unappropriated. And on the part of the State, it shall be the duty of the Attorney-General, or one of his deputies, to attend the investigation. 1828, No. 26.

BLAND, C., 16th December, 1830.—This case standing ready for hearing, and the solicitors of the petitioner and the Attorney-General having committed their several arguments to writing, they with the proceedings were read and considered.

In England, as in this instance, jurisdiction is frequently given to the Chancellor by private or special Acts of Parliament; and in all such cases he adheres strictly to the special authority so given. 2 *Mad. Chan.* 719; *Mitf. Plea.* 31. Here too, the Chancellor has always held himself bound to follow the authority exactly as given to the full extent of the constitutional competency of the General Assembly to confer any such authority. But in this case the solicitors of the petitioner and the Attorney-General differ materially as to the meaning of this resolution.

On the part of the petitioner it is contended, that the Legislature meant, that neither the lapse of time should be relied on as a defence; nor that the technical rules of equity which prevail between individuals should be applied to the case.

On the other hand the Attorney-General insists, that all the substantial principles of equity by which a similar controversy between individuals would be governed, should applied to this case.

This difference as to the intention of the Legislature, renders it necessary to determine, in the first place, what are the principles by which the Chancellor is to be governed; since it is obvious, that the general complexion of the investigation, as well as the final judgment, must altogether, or very much depend upon the circumstance, from which of those positions he sets out. And, therefore, this preliminary question must be disposed of before the case itself can be considered.

It may be safely assumed, as well settled, that all our governments are, in their nature, delegations of power, that they are trusts exercised for the use and benefit of a sovereign people; and that the governments of the States, though less limited than that of the Union, yet have their general as well as their special limitations. *Calder v. Bull*, 3 *Dall.* 386. And therefore, it may well be doubted whether the General Assembly of this State can, constitutionally, make any capricious or arbitrary disposition of the money or property of the *Republic; or can be allowed to
97 indulge their feelings of benevolence in bestowing such